

**REMARKS**

The present remarks are in response to the Office Action dated November 11, 2009, in which the Office Action issued a rejection of claims 1-20. In this response, Applicant has amended the claims, responds to the present Office Action with detailed comments to overcome the rejections, and respectfully requests that the pending claims be placed in a state of allowance.

Additionally, the Applicant has integrated the elements of claim 20 into each of the independent claims and cancelled claim 20. The Applicant has also cancelled claims 14 and 19. No new matter has been added.

**A. Withdrawal of Finality of Rejection**

In the Final Office Action, the Examiner finally rejected claims 1-20. If an Applicant files a Request for Continued Examination (RCE) in a timely manner as set forth in 37 CFR 1.17(e) with a submission, the Office will withdraw the finality of any Office Action to which a reply is outstanding and the submission will be entered and considered. See 37 CFR 1.114(d).

Although the Applicant disagrees with the Examiner's grounds for rejection, the Applicant has modified the independent claims 1, 2, 6 and 7 to include a variety of limitations. Firstly, the Applicant's independent claims now include the limitation of a bank or credit card company communicatively coupled to the Internet with a communication line. Support for this limitation is provided in *inter alia* Figures 1, 4, 7, 9, 11 and associated reference numbers 130, 230, 330, 430 and 530, respectively.

Secondly, the Applicant has amended each of the independent claims to include the management unit being communicatively coupled to the Internet with the communication line, the management unit configured to manage use of the content file ... wherein the communication line is configured to communicate the piece of data after a charge is collected from the bank or credit card company. Support for this limitation is provided with reference to communication line β peppered throughout the drawings and specification. Additionally, support for associating the

communication line  $\beta$  with the Internet are provided at *inter alia* Paragraphs [0053], [0131], [0169], [0186], and [0201].

Thirdly, the Applicant has amended each of the independent claims to include the digital content playing device being communicatively coupled to the Internet with the communication line, the digital content playing device configured to play the content file on the distributing recording medium. Support for the digital content playing device being associated with the communication line is provided in *inter alia* Figures 1, 4, 7, 9, 11 and reference to the communication line  $\beta$ ; support for associating the communication line with the Internet is provided at *inter alia* Paragraphs [0053], [0131], [0169], [0186], and [0201].

Finally, the Applicant has amended independent claims 1 and 2 to include the limitation of a distributing recording medium selected from a general recording medium consisting of a CD and a DVD. Support for this limitation is provided is provided at *inter alia* Figure 1, Figure 4 and corresponding Paragraphs [0054], [0083], [0085] - [0086], and [0092].

Thus, the Applicant respectfully submits that substantive claim amendments have been made to the RCE. In view of the amendments and changes to the claims, the Applicant requests that the Examiner withdraw the finality of the Office Action and place all claims in a condition of allowance.

#### **B. Examiner's Response to Applicant's Previous Arguments**

In the second paragraph, the Examiner appears to state that the Applicant did not adequately claim the distribution of content, while providing a collection of charges. In the most recent claim amendments, the Applicant claims a bank or credit card company communicatively coupled to the Internet with a communication line; the management unit being communicatively coupled to the Internet with the communication line, the management unit configured to manage use of the content file ... wherein the communication line is configured to communicate the piece of data after a charge is collected from the bank or credit card company; the digital content playing device being communicatively coupled to the Internet with the communication line. Applicant respectfully submits that these claim elements overcome the Examiner's objection.

In the third paragraph, the Examiner argues that Ansell discloses the necessary authentication means in order to, "properly utilize the 'playing device' via the unique identifiers of the player as well as authenticating the 'initiator' requesting the playback." The Applicant respectfully disagrees.

However, to expedite the prosecution of this patent application, the Applicant has amended the system claims to include having the management unit, the digital content playing device and the bank or credit card company communicatively coupled to the Internet. Applicant respectfully submits that Ansell is directed to a "computer system 100" client device (PC) that is operatively coupled to Ansell's secure portable music player 150; wherein the Ansell PC includes network circuitry that, "couples the computer 100 to a computer network 170." See Col. 4: lines 62-64 also cited by Examiner in the previously rejected claim 20.

Applicant respectfully submits that the client-side operations of Ansell, in which the secure portable music player 150 is operatively coupled to a computer system 100, are distinguishable from Applicant's system operations in which a digital content playing device (client device) is communicating with a management unit (server appliance) using a Wide Area Network, i.e. Internet, and including a bank or credit card company (yet another server appliance associated with a financial entity) that is also operatively coupled to the same WAN, i.e. Internet.

Firstly, Applicant respectfully submits that the Examiner's *prima facie* "anticipation" arguments have been overcome by the amended claims because Ansell does not teach each element of Applicant's recently amended claims. Applicant's amended claims are drawn to a networked system in which the unauthorized play of digital content is controlled by three separate networked elements, namely, the bank or credit card company, the management unit (a server), and the digital content playing device (client device). Additionally, these three elements are networked together to the Internet with a communication line.

Secondly, Ansell fails to suggest or motivate an integrated system that includes a management unit (server), a content playing device (client), and bank or credit card company that uses the Internet for communications between these three elements that performs the operation of preventing unauthorized play of digital content.

Thirdly, Applicant respectfully submits that a localized PC client is not in the same field of endeavor as a system that includes a client device, a content server, and a bank or credit card company.

In the fourth paragraph of the Examiner's Response, the Examiner argues that the Applicant has not addressed how Merkle does not cure the deficiencies of Ansell. Thus, the Examiner maintains the rejections that relied on Merkle. In summary, the Applicant argues that Merkle is drawn to a general purpose computer and not a networked system as claimed herein. Applicant discusses Merkle in further detail below.

### **C. Claim Objections**

The Examiner recommends that the language "piece date" be replaced with the language "piece of data." The Applicant has amended the claims accordingly.

### **D. Anticipation Claim Rejection 35 USC 102**

The Examiner has rejected claims 1-9, 13-15, 19 and 20 under 35 USC 102(b) as being anticipated by US Patent No. 6,367,019 to Ansell et al., hereinafter referred to as "Ansell." The Examiner appears to maintain the previous arguments (OA dated 3/31/2009). Applicant's previous arguments (dated July 30, 2009) were not persuasive. Applicant disagrees. However, to expedite the prosecution of this patent application, the Applicant has amended the independent claims.

More particularly, the Applicant has amended the independent claims to include a bank or credit card company communicatively coupled to the Internet with a communication line; the management unit being communicatively coupled to the Internet with the communication line, the management unit configured to manage use of the content file ... , wherein the communication line is configured to communicate the piece of data after a charge is collected from the bank or credit card company; the digital content playing device being communicatively coupled to the Internet with the communication line.

Applicant respectfully submits that Ansell does not teach or suggest each of the amended claim elements. Additionally, the Applicant submits that Ansell's

localized PC client communications are not in the same field of endeavor as the amended system claims.

The amended system claims include a digital content playing device (client device) communicating with a management unit (server appliance) using a Wide Area Network, i.e. Internet, and including a bank or credit card company (yet another server appliance associated with a financial entity) that is also operatively coupled to the same WAN, i.e. Internet. Applicant respectfully submits that Ansell is directed to a "computer system 100" client device (PC) that is operatively coupled to Ansell's secure portable music player 150; wherein the Ansell PC includes network circuitry that, "couples the computer 100 to a computer network 170." See Col. 4: lines 62-64 also cited by Examiner in the previously rejected claim 20.

Thus, Applicant respectfully submits that the Examiner's *prima facie* "anticipation" arguments have been overcome by the amended claims because Ansell does not teach each element of Applicant's recently amended claims.

Furthermore, Ansell fails to suggest or motivate one of ordinary skill to migrate from client-side operations to an integrated system that includes a content server (management unit), client (digital content playing device), and bank or credit card company that are communicatively coupled using the Internet.

#### **E. Obviousness Claim Rejection 35 USC 103**

The Examiner has rejected claims 10-12 and 16-18 under 35 USC 103(a) as being unpatentable over Ansell and further in view of US Patent Publication 2004/0030912 to Merkle et al., hereinafter referred to as "Merkle."

The Examiner argues that Ansell does not substantially disclose the limitation of when the elapsed period reaches a predetermined time, deleting the transmitted piece data; and Merkle discloses this limitation. See Page 19 of the Examiner's Action.

In view of the Applicant's amendments, the Applicant disagrees. Merkle is drawn to a variety of different embodiments that each rely on a client device such as general digital purpose computer 7 as shown in Figure 1. See Merkle at Paragraph [0055] - [0056]. There appears to be no reference in Merkle to integrating a digital content playing device (client) with a management unit (server) using a WAN, i.e. the

Internet, and also including charging a bank or credit card company that is also operatively coupled to the Internet.

Thus, Applicant respectfully submits that Merkle fails to teach any of the recently amended claim elements and is, therefore, inapplicable.

**F. Conclusion**

In view of all of the foregoing, claims 1-13 and 15-18 overcome the Office Action rejections herein and are now patentably distinct and in condition for allowance, which action is respectfully requested.

Respectfully Submitted,

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/Michael A. Kerr/  
Michael A. Kerr  
Reg. No. 42,722

Michael A. Kerr  
KERR IP GROUP, LLC  
P.O. Box 18600  
Reno, NV 89511  
Tel: (775) 624-8700  
Fax: (775) 622-0686